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Senate panel grills Gates, goes after varied documents

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CIA Deputy Director Robert Gates was questioned for more than four hours yesterday by the Senate Intelligence Committee probing the administration's arms sale to Iran, while staff members fanned out around the country to subpoena documents relating to the case.

"We have people flying around the country this morning serving subpeonas for documents," said Sen. David Durenberger, Minnesota Republican and chairman of the committee. "It is just judicious behavior on the part of the committee to nail down every document they can find, by whatever means.

"So the document search has become a very, very important part of this," Mr. Durenberger said.

At the White House, President Reagan, despite promises of full cooperation from the administration, said that Cabinet officers are free to decide whether to invoke the Constitution's Fifth Amendment protection against self-incrimination if called to testify.

"The individuals will have to make that decision for themselves," said Mr. Reagan, who defended two of his top aides who earlier this week used the Fifth Amendment and refused to answer questions before the committee. The panel yesterday ended its fourth day of inquiry into the arms sale and diversion of proceeds to the Nicaraguan resistance.

According to the White House, the two aides, Adm. John Poindexter and Lt. Col. Oliver North, were the only administration officials with knowledge of the diversion to the Nicaraguan rebels of up to $30 million in proceeds from the arms sale.

Adm. Poindexter resigned and Col. North was fired Nov. 25 after revelations of their roles in the episode that officials said was masterminded by Col. North.

"It is not new or unusual," Mr. Reagan said after Adm. Poindexter and Col. North refused to answer the committee's questions. "It's happened many times before, that when there's going to be an independent counsel starting an investigation and

CIA Deputy Director Robert Gates

individuals who have no access to the files or papers or kinds of preparation for questions have done just exactly the same thing — so that they then can be witnesses for the investigation."

Because the committee is meeting behind closed doors and members are told not to reveal the nature of witnesses' testimony, it was unknown what Mr. Gates, of the CIA, told the panel yesterday.

Mr. Gates became the CIA's No. 2 official in April after former CIA Deputy Director John McMahon resigned suddenly. Mr. McMahon testified before the committee on Monday.

At hearings on Capitol Hill in April, Mr. Gates defended the administration's covert operations. When Mr. McMahon left the CIA, administration sources said, he opposed the way some covert operations were handled. He later denied the charge.

After the Intelligence Committee meeting yesterday, Mr. Durenberger refused to specify what documents the panel was seeking through subpoenas. But in Moultrie, Ga., officials at Maule Aircraft Corp. said it had received subpeonas from the U.S. attorney's office in Macon and the committee to impound records on four airplanes they sold.

One of the four airplanes reportedly was purchased by a firm run by retired Maj. Gen. Richard V. Secord, who later sold the airplane to resistance forces in Nicaragua. Sources said that Gen. Secord, a close ally of Col. North, has become a key figure in the probe.

Gen. Secord's lawyer yesterday said that he expects his client to be called before the committee to testify. He said that Gen. Secord has not received a subpoena thus far.

Mr. Durenberger, who said the committee will extend its hearings beyond next week, said lawmakers soon will decide which members of Mr. Reagan's Cabinet will be called to testify.

Those under consideration, he said, include members of the NSC, CIA Director William Casey, Secretary of State George P. Shultz and Defense Secretary Caspar Weinberger. The president or Vice President George Bush are not being considered.

Despite witnesses' use of the Fifth Amendment, Mr. Durenberger said testimony in the first week of the inquiry has provided "very candid response to the questions and a lot of helpful information," which is "opening more doors that we have to send a subpoena through in order to [compile] accurate information."

But the president's remarks on leaving the decision to testify up to his Cabinet members drew a sharp rebuke from the committee chairman. Mr. Durenberger charged that Mr. Reagan has failed to cooperate fully with the committee.

"I am just concerned about the fact that the country needs to put this behind it as soon as possible . . . whether it's by producing witnesses for the committee or releasing all the information himself," said Mr. Durenberger. "The president is in the best position to do that at this point in time."

In a related development, Col. North told reporters he would reveal all the facts about the Iran arms deals at the "appropriate time." Col. North said that he is "fully prepared to be as forthcoming as I possibly can."

• *This article is based in part on wire service reports.*

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